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FM AMEMBASSY KIGALI
TO RUEHC/SECSTATE WASHDC PRIORITY 4657
INFO RUEHJB/AMEMBASSY BUJUMBURA 0144
RUEHDR/AMEMBASSY DAR ES SALAAM 0958
RUEHKM/AMEMBASSY KAMPALA 1714
RUEHKB/AMEMBASSY KINSHASA 0286
RUEHLO/AMEMBASSY LONDON 0107
RUEHNR/AMEMBASSY NAIROBI 0992
RUEHFR/AMEMBASSY PARIS 0327

C O N F I D E N T I A L KIGALI 000849

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E.O. 12958: DECL: 09/25/2017
TAGS: [PGOV](#) [PHUM](#) [RW](#)
SUBJECT: TWO GENERALS ACQUITTED OF OBSTRUCTION OF JUSTICE
CHARGES

REF: A. KIGALI 747

[1](#)B. KIGALI 743

Classified By: Ambassador Michael R. Arietti, reason 1.4 (B/D)

[1](#)1. (SBU) On September 21, a military court acquitted Generals Frank Rusegara and Sam Kanyemera Kaka of obstruction of justice charges. Rusegara, the head of a military training school, and Kaka, a retired officer now serving as a member of parliament for the ruling RPF, had been granted bail on August 17 (ref A). Each stood accused of interfering with police officers attempting to arrest a local businessman, Assinapol Rwigara, at the funeral of a prominent Rwandan. Police had sought the businessman for his role in the collapse of a building site in which several workers lost their lives (ref B).

[1](#)2. (C) Polchief spoke with Kaka's defense counsel September 24, who expressed satisfaction with the judgment, terming the military court proceeding "very fair," and one that was "open to our arguments." He noted the court had rejected Kaka's contention that it lacked jurisdiction over him as a serving member of parliament, deciding instead that Kaka's immunity had been correctly lifted in advance of his arrest. The military court, said the lawyer, had judged the case on its merits, and found the prosecution's case to be wanting. As a majority of the witness statements did not support the prosecution's case, said the lawyer, the decision to acquit was "sensible." The counsel noted that the court proceeding had been conducted solely upon those witness statements, with no live testimony by witnesses for either side.

[1](#)3. (C) Polchief also spoke with military prosecutor Captain Kayijuka Ngabo on September 24. Ngabo said the court had apparently decided that the police officers attempting to arrest the businessman had sought a "scapegoat" to explain their failure to arrest Rwigara (note: himself the object of continuing investigation, following his release on bail August 27). Ngabo agreed that a majority of witness statements did not support the notion that the generals had interfered with the police officers, although, he said, many of those interviewed had not been in a position to accurately describe what had happened in the context of a sprawling funeral interrupted by the appearance of the police officers. Ngabo commented that the prosecution had thirty days to appeal the decision, and his office was "considering its options."

[1](#)4. (C) Comment. The two generals appear to have benefited from a large sympathy vote amongst the funeral-goers, many of

whom were offended by the appearance of the police to arrest the businessman, and refused to cooperate with the prosecution. As noted in ref B, senior police commanders had complained bitterly to their military counterparts about the treatment their officers had received at the funeral, and the military prosecutor's office had felt compelled to act. Despite rumors circulating about the relationship between the generals and the businessman, and how the two cases supposedly showed who was up and who was down in the inner circles of the government and the RPF, we find this case to be a rather straightforward example of the proper functioning of the rule of law. End comment.

ARIETTI